Criminal Revision No. 79 of 2001

Ahmad Ali ..... Revisionist

Versus

State of Uttaranchal and others.... Respondents.

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Hon.M.C.Jain,J.

Heard learned counsel for the revisionist, learned A.G.A. and Sri P.S.Adhikari for the respondents no.2 and 3. Revisionist is the complainant of a case being tried as S.T.No. 286 of 1997 before Additional Sessions Judge, Roorkee. He is aggrieved by the rejection of his application by the Court below made u/s 319,Cr.P.C. for summoning the respondents no.2 and 3 on the ground that the evidence had come against them in the statement of one Naim,P.W.1. The fact of the matter is that the victim had sustained a single shot allegedly at the hand of one Asgar who was being tried alongwith one another. Though the F.I.R. had been lodged against them as well as against respondents 2 and 3, but no charge sheet was submitted against the respondents nos.2 and 3 consequent upon the investigation of the case. It is found that even the examination-in-chief of the injured had not been completed when the application u/s 319,Cr.P.C. was made by the revisionist. The person who has lodged the F.I.R. had also not been examined. This Court is of opinion that the Court below was justified in rejecting the application of the revisionist.

The revision has no merit and is hereby rejected.

(M.C.Jain,J.)

Dt.5.7.2001